

License or Prohibition?

How License Failed in the State of Ohio

[By J. H. Secrest, formerly assistant secretary of state and member of State Liquor License Board of Ohio.]

By constitutional amendment and statutory enactment, Ohio has constructed a system of licensing the traffic in intoxicating liquors. Briefly, the system provides there shall not be more than one saloon to each five hundred population; that the traffic shall not be licensed in any locality while any prohibitory law is operative therein; license shall not be granted to any person who is not a citizen of the United States and of good moral character; provisions were incorporated to eliminate brewery domination of the traffic; licenses are renewable each year and are revocable upon second conviction for violation of laws or regulations; licenses are granted by, and local administration is had through, county liquor license boards, the members of which are appointed by a state commission who may review their acts, and the members of the state commission are appointed by the governor.

These are the principal features of Ohio's license system, referred to by many as a "model license law," and recommended, in lieu of prohibition, as the solution of the liquor problem. It is upon this system that the editor of The Commoner asks me to write and he propounds the question, "Has the license system of Ohio proved a success?" I was a member of the first state Liquor License Board appointed under this system. This board being the high court and charged with administering the system, it was my privilege to observe the operation of the system from a point of vantage accessible to but few.

It has had a trial under both political parties. First, the democratic party was charged with inaugurating it and then administering it. After two years, the affairs of the state were turned over to the republican party, their tenure lasting two years also. The first governor was neither an avowed wet or dry. The second governor was an avowed dry. Under these circumstances who will deny that the system has had a fair trial? It has been in force approximately five years—who will deny that it has had a thorough trial?

Has it proved a success? Let me set forth its purposes. The advocates

of license, in urging its adoption, gave assurance that:

- 1.—It would stop agitation by solving the liquor question.
- 2.—It would destroy brewery domination of the traffic.
- 3.—It would destroy bootlegging, the speakeasy and blind tiger.
- 4.—It would afford control of the traffic which could regulate the saloon and saloonkeeper, thus destroy the baneful influences of the saloon, and, through the inhibition against the immoral character, it would put the traffic in respectable hands.
- 5.—It would remove the saloon from politics.

These are the arguments which influenced its adoption at a special election held September 3rd 1912. In the measure it has accomplished these ends, has the system succeeded or failed. Let me address myself to each item in the order I have numbered them.

It has not stopped agitation because it has not solved the liquor question. Since the adoption of the system we have had two state-wide prohibition campaigns, and are now in the throes of a third. Of course it will be urged that this agitation is due entirely to a few agitators. If the question were solved, agitation would fall of its own weight. But the fact is, the prohibitionists experienced no difficulty in securing signatures of ten per cent of the voters in order to get their amendment upon the ballot in 1914. In 1915, a year later, it was still easier for them to obtain more than this percentage, and this year, it was an easy matter for them to increase the number of signatures again. Moreover, in 1914 the majority against the prohibition amendment was 84,000, but in 1915 this majority was cut down to 55,000. If the license system solved the liquor question, it would certainly become harder, instead of easier, to secure signatures for prohibition amendments. If license proved a solution, is it not reasonable to assume that the majority against prohibition would increase instead of decrease? Since the adoption of the system, Beal law elections, (so called after the author of a law which permits municipalities and subdivisions to vote dry) have been resorted to all over the state in order to get rid of the li-

censed saloon. Ashtabula, a city of 20,000 population, recently held such an election and the licensed saloons were voted out. In 1915 the brewers presented an amendment to the constitution which, if adopted, would have prevented repeated submission of prohibition amendments. They took the position that license had solved the question and, therefore, agitation should cease. The amendment was defeated by sixty-four thousand majority. In view of these facts, who would be so audacious as to sincerely contend that it has solved the liquor question? The only estoppel to any agitation is solution, and license has not been accepted by the people of Ohio as a solution of the liquor question.

The brewers still dominate the traffic. In the state auditor's office is an abstract of the liquor license duplicate of Hamilton county, one of the largest counties in the state. This abstract shows that, in this one county alone, the breweries own 144 pieces of real estate in which licensed saloons are conducted. Similar conditions prevail in other counties. In addition to this, it was my experience while a member of the State Liquor License Board, and it is a known fact also, that the County License Boards in the counties in which are located our largest cities, find their greatest difficulty in maintaining a harmonious balance of trade between the breweries in their respective districts. Though the saloonkeepers were inveigled into supporting the license amendment by the agents of the brewers with promises of freedom from the brewers' domination, they now find they can not exercise any independence whatever.

Bootleggers, speakeasies and blind tigers still flourish. During the two years I was on the state commission we prosecuted 373 unlicensed persons or bootleggers, most of them were in wet counties. Reference to the reports of the state commission show that they had 502 such prosecutions for the year 1915 and 902 for 1916, the most of these cases being in wet counties. The record shows that under license, the number of bootleggers has increased instead of decreased. Men of this character, though they may not be able to obtain a license from the state, experience no difficulty in obtaining supplies of wet goods, which enables them to engage in the traffic illegally. When it is considered that it was the liquor interests who financed the campaign for license, claiming they wanted regulation, who still urge it as a regulatory measure, the hypocrisy of the propaganda is manifest. It is undeniable—so long as a source of supply exists, speakeasies and blind tigers will flourish.

Nor has the system destroyed the baneful influence of the saloon, or attracted men of good character to the traffic. Upon the inception of the system, we were able, by refusing licenses to the proprietors, to wipe out of existence 1,493 disreputable places. Among them were 309 saloons with wine rooms frequented by girls and women, 75 saloons in, or in connection with, houses of prostitution and assignation, 175 saloons in the red light districts, and we regarded this as a great step in the direction of law, order, decency and temperance. But what advancement has been made since then? A survey of the daily papers with their daily reports of arrests and raids will convince any one that when one objectionable place is wiped out, another takes its place. Last April the County License board of Franklin county ordered certain hotels to close rooms frequented by girls and in which liquors were served. One of the pro-

prietors carried the case to the courts and the court held that the license board could not successfully maintain such a prosecution of the proprietor. This shows that they not only exist but have succeeded in obtaining the sanction of courts.

The number of prosecutions of licensed places for Sunday violations, sales to minors and habituals, and violations of state and federal laws is constantly increasing. For the year 1915 the state commission reported 81 such prosecutions by them, and for the next year they reported 125. Which shows that in one year the number of licensed persons to be apprehended by the state board for violations increased one-half. These figures do not include the many arrests made by city and county police for the same offences. The truth is, men are licensed to engage in the nefarious business who, under the license system, as in the past, ruthlessly break and defy the law.

In January of this year the city of Columbus was startled with one of the most revolting murders in its history. The woman's body was found in a room strewn with empty bottles. Within the last few weeks, in Dayton, another murderer, when apprehended for his crime, cried, "I did it! I did it! I was drunk!" In Lima a mob crazed with drink, attempted, and almost succeeded in lynching the sheriff. Wherever booze is sold in the state, similar revolting instances may be found—but why multiply them! Who doubts, unless it be those who profit by the traffic, that the baneful influence of booze can be eliminated so long as the traffic is permitted, whether licensed or unlicensed?

But of all the contentions made for license, the one that it has removed the saloon from politics is the most preposterous. Since the inception of the system in this state, there have been held two elections to elect governors and state officers. In the campaign of 1914 it was frequently charged by the republican candidates, the democratic party being then in power, that the system had been used to build a political machine for the advancement of the democratic party. The republican party was successful, and no sooner had the elected republican governor been inducted into office, than he addressed a communication to the two members of the State License Board in which he demanded their resignations, giving as his reason for

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